NIC Information Center

Updated May 10, 2016

Redemption Research in the Criminal Justice System

Research Summary

The current research on redemption comes from three main studies covering at least 7 years of data. These studies all reach a similar conclusion "Offenders do eventually look like nonoffenders, usually after a spell of between 7 and 10 years of nonoffending." (Bushway and Blokland, 2016)

Blumstein and Nakamura studies: Studied 88,000 first time arrest offenders from New York with risk of recidivism in the general population. Extended the study to Florida and Illinois. Example finding: People who were first arrested for robbery when they were 18 years old had the same risk of arrest after 7.7 years as same age individuals in the general population. [Ritter article below is an excellent short summary of this research.]

Kurlychek, Brame, and Bushway: Studied the police contact data from a 1942 Racine, Wisconsin birth cohort to determine whether individuals whose last criminal record occurred many years ago exhibit a higher risk of acquiring future criminal records than individuals with no criminal record at all. Findings suggest that after approximately 7 years there is little to no distinguishable difference in risk of future offending between those with an old criminal record and those without a criminal record.

Keith Soothill and Brian Francis: Study from England and Wales suggesting that groups whose members have either a finding of guilt as a juvenile or a conviction between the ages of 17 and 20 years – but no further convictions – converge with the non-offending group at around the age of 30 years, while the group whose members have findings of guilt as a juvenile and convictions as a young adult prior to 21 years eventually converges with the other groups at around the age of 35 years.

Post and Forte's summary of research in 2016 note caution: "For those who advocate limiting the dissemination of pre- employment criminal history records, a key issue is time to redemption. Blumstein and Nakumara (2010; 2011) have defined "redemption" as the process of removing the burden or being released from bearing the mark of a crime. However, the research on "redemption time" is in its infancy.

There is very little empirical evidence to guide the setting of cutoff points where one can be confident that redemption has been reached; consequently, the empirical question of 'how long the trace of criminal history is valid' remains."

Annotated Articles

Blumstein, Alfred, and Kiminori Nakamura (2012). Extension of Current Estimates of Redemption Times: Robustness Testing, Out-of-State Arrests, and Racial Differences.
> The current study is an extension of a NIJ-funded project intended to provide the empirical estimates of what we call "redemption time," the time when an individual with a prior arrest record has stayed clean of further involvement with the criminal justice system sufficiently long to be considered "redeemed" and relieved of the stale burden of a prior criminal-history record. In the current study, we address new issues that that are important in moving the research on redemption forward and making the findings applicable to relevant policy.
> https://www.ncjrs.gov/pdffiles1/nij/grants/240100.pdf

Blumstein, Alfred, and Kiminori Nakamura (2010). Potential of Redemption in Criminal Background Checks.
> Review of crime reports indicate that in 2007, law enforcement agencies in the United States made over 14 million arrests, and that as of December 31, 2006, over 81 million criminal history records were contained in State criminal history repositories. Due to the increase in automation, by the end of 2006, about 91 percent of these criminal history records were electronically accessible. This situation has increased the ability of employers and others to conduct criminal background checks on potential employees and individuals. At the same time, the increased access to criminal history records means that individuals who have led a "clean" life since their arrest, may be faced with hardships in finding employment. The goal of this research project is to provide guidance on the issues surrounding the increased use of criminal background checks. The report discusses the recent trends in the use of criminal background checks and addresses the lack of guidelines for employers to help them understand how the age of the criminal record relates to the level of risk of a new crime. The report also examines the problem of redemption and the need for empirically-based research to address this issue.
> https://www.ncjrs.gov/pdffiles1/nij/grants/232358.pdf

Blumstein, Alfred, and Kiminori Nakamura (2009). "Redemption" in an Era of Widespread Criminal Background Checks.
> This article presents preliminary findings from a study that has produced sufficient data to create a model that indicates when an ex-offender has been "clean" long enough to be considered "redeemed" for employment purposes.
> https://www.ncjrs.gov/pdffiles1/nij/226872.pdf

Bushway, Shawn D. and Arjan Blokland (2016) The Predictive Value of Criminal Background Checks: Do Age and Criminal History Affect Time to Redemption?

Criminal record checks are being used increasingly by decision makers to predict future unwanted behaviors. A central question these decision makers face is how much time it takes before offenders can be considered "redeemed" and resemble nonoffenders in terms of the probability of offending. Building on a small literature addressing this topic for youthful, first time offenders, the current article asks whether this period differs across the age of last conviction and the total number of prior convictions. Using long-term longitudinal data on a Dutch conviction cohort, we find that young novice offenders are redeemed after approximately 10 years of remaining crime free. For older offenders, the redemption period is considerably shorter. Offenders with extensive criminal histories, however, either never resemble their nonconvicted counterparts or only do so after a crime-free period of more than 20 years.
(Article attached)

Emsellem, Maurice, and Jason Ziedenberg (2015). <u>Strategies for Full Employment Through Reform of the Criminal Justice System</u>.

However, public sentiment and political forces are finally shifting in favor of criminal justice reform, and a wave of promising state and local policies, such as California's Proposition 47 and fair chance hiring laws, have moved the public debate and brought key stakeholders to the table, including the law enforcement community. With this paper, we seek to broaden the debate by engaging advocates for full employment and promoting a comprehensive agenda for reform.
http://www.cbpp.org/research/full-employment/strategies-for-full-employment-through-reform-of-the-criminal-justice

Kurlychek, Megan C., Brame, Robert and Shawn D. Bushway (2006) <u>Enduring Risk? Old Criminal Records and Short-term Predictions of Criminal Involvement.</u>

Criminal record checks are being used increasingly by decision makers to predict future unwanted behaviors. A central question these decision makers face is how much time it takes before offenders can be considered "redeemed" and resemble nonoffenders in terms of the probability of offending. Building on a small literature addressing this topic for youthful, first time offenders, the current article asks whether this period differs across the age of last conviction and the total number of prior convictions. Using long-term longitudinal data on a Dutch conviction cohort, we find that young novice offenders are redeemed after approximately 10 years of remaining crime free. For older offenders, the redemption period is considerably shorter. Offenders with extensive criminal histories, however, either never resemble their nonconvicted counterparts or only do so after a crime-free period of more than 20 years.
(Article attached)

Nakamura, Kiminori, and Kristofer Bret Bucklen (2014). <u>Recidivism, Redemption, and Desistance: Understanding Continuity and Change in Criminal Offending and Implications for Interventions.</u>

As the US incarceration rate has reached an unprecedented level, so has the number of people leaving prison and returning to the community. Faced with the prison population growth together with the economic downturn and budget crises, many states are seeking ways to break the increasing cycle of recidivism. Although research on recidivism and desistance has not always learned from each other, recently, there is an increasing convergence of these two

streams of research. This convergence has been stimulated by a variety of factors, but most notably, it draws from emerging research on redemption, which focuses on the inverse relationship between recidivism risk and time since previous contact with the criminal justice system. Although the concepts of recidivism, desistance, and redemption are all about continuity and change in criminal offending over time, the relationship between the three has not been examined. In this paper, we discuss the interface between recidivism and desistance research with a particular focus on redemption research; point out one emerging consensus from both recidivism and desistance research, namely, the importance of offenders' motivation and individual internal change; and discuss new ideas to effectively improve our approaches of reducing recidivism and facilitating desistance.

Pinard, Michael (2013). <u>Criminal Records, Race and Redemption</u>.
Poor individuals of color disproportionately carry the weight of a criminal record. They confront an array of legal and non-legal barriers, the most prominent of which are housing and employment. Federal, state and local governments are implementing measures aimed at easing the everlasting impact of a criminal record. However, these measures, while laudable, fail to address the disconnection between individuals who believe they have moved past their interactions with the criminal justice system and the ways in which decision makers continue to judge them in the years and decades following those interactions. These issues are particularly pronounced for poor individuals of color, who are uniquely stigmatized by their criminal records. To address these issues, this article proposes a redemption-focused approach to criminal records. This approach recognizes that individuals ultimately move past their interactions with the criminal justice system and, therefore, they should no longer be saddled by their criminal records. Thus, the article calls for greatly expanding laws that allow individuals to remove their criminal records from public access and, in the end, allow them to reach redemption.
https://www.courts.wa.gov/subsite/mjc/docs/CRIMINALRECORDSRACEANDREDEMPTION.pdf

Post, Lori Ann and Elaine Forte (2016). <u>The History of Non-Criminal Background Checks: A Review.</u>

Several criminal justice and policy researchers have questioned the benefit of conducting pre-employment background checks. Our review of the background check literature suggests that persons with physical and cognitive disabilities have a much higher probability of being financially exploited, neglected, or abused. We recommend a balance of employment for incarcerated persons for re- entry into society, however, caution putting violent felons into employment providing long- term care services.
(Article attached)

Ritter, Nancy (2010). <u>Employing Ex-Offenders: Researchers Develop Method for Computing "Redemption" Time.</u>
Researchers at Carnegie Mellon University have developed a method for computing the point in time when a person with a criminal record presents no greater risk of committing another crime than people in the general population.
https://www.ncjrs.gov/pdffiles1/nij/230460.pdf

Rodriguez, Michelle Natividad, and Maurice Emsellum (2011). <u>65 Million "Need Not Apply": The Case for Reforming Criminal Background Checks for Employment."</u>
More than one in four U.S. adults—roughly 65 million people—have an arrest or conviction that shows up in a routine criminal background check. According to this new report from the

National Employment Law Project, these Americans face unprecedented barriers to employment. With the rapidly expanding use of background checks, employers are routinely, and often illegally, excluding all job applicants who have criminal records from consideration, no matter how minor or dated their offenses. Highlighting the widespread use of blanket no-hire policies, the report provides numerous examples of online job ads posted on craigslist, including some by major corporations, that effectively bar significant portions of the U.S. population from work opportunities
http://www.nelp.org/content/uploads/2015/03/65_Million_Need_Not_Apply.pdf?nocdn=1

Soothill, Keith and Brian Francis (2009) When do Ex-Offenders Become Like Non-Offenders?
When can ex-offenders with no further convictions be considered as exhibiting the same risk of reconviction as non-offenders? This issue is relevant for the retention and disclosure of early criminal records, and is a controversial issue. Replicating American work by Kurlychek and his colleagues (2006, 2007), this study focusing on England and Wales broadly endorses their findings by suggesting that groups whose members have either a finding of guilt as a juvenile or a conviction between the ages of 17 and 20 years – but no further convictions – converge with the non-offending group at around the age of 30 years, while the group whose members have findings of guilt as a juvenile and convictions as a young adult prior to 21 years eventually converges with the other groups at around the age of 35 years.
(Article attached)

Congressional Bill introduced to Senate on Redemption:

Record Expungement Designed to Enhance Employment Act of 2015 or the REDEEM Act:

https://www.congress.gov/bill/114th-congress/senate-bill/675